

91<sup>st</sup> Legislative Session – 2016

Committee: House Judiciary

Wednesday, February 24, 2016

P - Present  
E - Excused  
A - Absent

Roll Call

P DiSanto  
P Gibson  
P Haugaard  
P Hunt  
P Johns  
P Killer  
P Langer  
E Latterell  
P Peterson (Kent)  
P Russell  
P Westra  
P Stevens, Vice-Chair  
P Mickelson, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Mark Mickelson, Chair.

MOTION: TO APPROVE THE MINUTES OF MONDAY FEBRUARY 22, 2016.

Moved by: Stevens  
Second by: Peterson (Kent)  
Action: Prevailed by voice vote.

SB 33: revise certain provisions regarding chemical testing and revocations of driver licenses for persons under the age of twenty-one.

Proponents: Jane Schrank, Department of Public Safety

MOTION: DO PASS SB 33

Moved by: Stevens  
Second by: Langer  
Action: Prevailed by roll call vote. (11-0-2-0)

Voting Yes: DiSanto, Gibson, Haugaard, Hunt, Johns, Langer, Peterson (Kent), Russell, Westra, Stevens, Mickelson

Excused: Killer, Latterell

MOTION: PLACE SB 33 ON CONSENT CALENDAR

Moved by: Langer  
Second by: Stevens  
Action: Prevailed by voice vote.

SB 54: adopt the Elder Abuse Task Force's statutory recommendations in order to protect South Dakota seniors and adults with disabilities from abuse, neglect, and exploitation.

Presented by: David Gilbertson, Chief Justice, UJS  
Proponents: Jim Seward, Governor's Office  
Dale Bartscher, Family Heritage Alliance  
Erik Nelson, AARP of South Dakota  
Dean Krogman, SD State Medical Assoc.  
Curtis Everson, South Dakota Bankers Association  
Scott Duke, SD Association of Healthcare Organizations  
Charles Mcguigan, Office of Attorney General  
Mark Deak, South Dakota Health Care Association  
Justin Goetz, Unified Judicial System

MOTION: AMEND SB 54

54rb

On page 17, line 18, of the printed bill, after "individuals" insert "or by a notary public".

Moved by: Hunt  
Second by: Langer  
Action: Prevailed by voice vote.

MOTION: AMEND SB 54

54ra

On page 8, line 17, of the printed bill, before "." insert "unless the court finds good cause for the additional continuance and:

- (1) The parties stipulate to an additional continuance; or
- (2) The court finds that law enforcement is unable to locate the respondent for purposes of service of the ex parte protection order".

Moved by: Johns  
Second by: Gibson  
Action: Prevailed by voice vote.

MOTION: DO PASS SB 54 AS AMENDED

Moved by: Langer  
Second by: Gibson  
Action: Prevailed by roll call vote. (11-0-2-0)

Voting Yes: DiSanto, Gibson, Haugaard, Hunt, Johns, Langer, Peterson (Kent), Russell, Westra, Stevens, Mickelson

Excused: Killer, Latterell

SB 55: revise certain provisions relating to the HOPE probation program.

Presented by: Greg Sattizahn, Unified Judicial System  
Proponents: Jim Seward, Governor's Office

MOTION: DO PASS SB 55

Moved by: Langer  
Second by: Gibson  
Action: Prevailed by roll call vote. (11-1-1-0)

Voting Yes: DiSanto, Gibson, Haugaard, Hunt, Johns, Killer, Langer, Peterson (Kent), Westra, Stevens, Mickelson

Voting No: Russell

Excused: Latterell

SB 79: expand the list of professionals authorized to perform certain examinations required for a plea of guilty but mentally ill.

Presented by: Senator Peters

Proponents: Traci Smith, Minnehaha Public Defenders Office, self  
Jodi Owen, Ft. Pierre, self  
Representative Hunhoff (Jean)  
Roger Tellinghuisen, South Dakota Association of County Commissioners  
Lindsey Riter-Rapp, SD Association of Criminal Defense Attorneys  
Staci Ackerman, South Dakota Sheriffs Association  
Opponents: Dean Krogman, SD State Medical Assoc. (Handouts: #1, #2)  
Dr. David Bean, Sioux Falls, self

MOTION: DO PASS SB 79

Moved by: Stevens

Second by: Langer

Action: Prevailed by roll call vote. (9-2-2-0)

Voting Yes: Haugaard, Hunt, Johns, Langer, Peterson (Kent), Russell, Westra, Stevens, Mickelson

Voting No: Gibson, Killer

Excused: DiSanto, Latterell

SB 97: provide for the automatic removal of all petty offenses, municipal ordinance violations, and Class 2 misdemeanor charges or convictions from background check records after ten years under certain conditions.

Presented by: Representative Wollmann

Proponents: Lindsey Riter-Rapp, SD Association of Criminal Defense Attorneys  
Greg Sattizahn, Unified Judicial System  
Dale Bartscher, Family Heritage Alliance

MOTION: DO PASS SB 97

Moved by: Gibson

Second by: Langer

Action: Prevailed by roll call vote. (8-2-3-0)

Voting Yes: Gibson, Haugaard, Johns, Killer, Langer, Peterson (Kent), Stevens, Mickelson

Voting No: Hunt, Russell

Excused: DiSanto, Latterell, Westra

MOTION: ADJOURN

Moved by: Gibson

Second by: Hunt

Action: Prevailed by voice vote.

Liz Markley  
Committee Secretary

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G. Mark Mickelson, Chair